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6 **UNITED STATES DISTRICT COURT**
7 **CENTRAL DISTRICT OF CALIFORNIA**
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9 DERRICK WASHINGTON,
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11 Petitioner,
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13 v.
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15 M.D. MCDONALD,
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17 Respondent.
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Case No. CV 11-3273 VAP (JCG)

**ORDER ACCEPTING REPORT AND
RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE AND
DENYING CERTIFICATE OF
APPEALABILITY**

23 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the Magistrate
24 Judge's Report and Recommendation, Petitioner's Objections to the Report and
25 Recommendation, and the remaining record, and has made a *de novo* determination.

26 Petitioner's Objections reiterate the arguments made in the Petition and
27 Traverse, and lack merit for the reasons set forth in the Report and Recommendation.

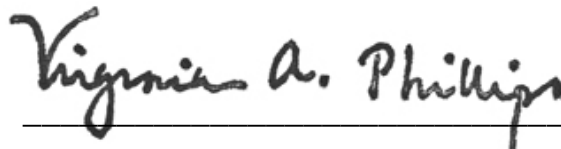
28 Accordingly, IT IS ORDERED THAT:

1. The Report and Recommendation is approved and accepted;
2. Judgment be entered denying the Petition and dismissing this action with prejudice; and
3. The Clerk serve copies of this Order on the parties.

Additionally, for the reasons stated in the Report and Recommendation, the Court finds that Petitioner has not made a substantial showing of the denial of a

1 constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v.*
2 *Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate of
3 appealability.

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6 DATED: _October 17, 2012_

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9 HON. VIRGINIA A. PHILLIPS
10 UNITED STATES DISTRICT JUDGE
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